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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,055	06/27/2003	Ludvik Godesa	32860-000555/US	3595

30593 7590 12/01/2005

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,055	Applicant(s) GODESA, LUDVIK	
	Examiner Lincoln Donovan	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04-27-05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 10-11, applicant should clarify the specific design intended by "designed to be arched and concentric with respect to one another." In lines 11-12, the specific structure intended by the "radius which approximately corresponds to a distance from a pivot bearing of the bearing lever." Applicant should clarify what the distance is relative to.

Claims 2-3 and 9-10 are not further limiting, applicant has not cited any specific structure to perform the claimed function.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 7-9 and 12-13, as best understood in view of the rejections under USC 112, 2nd paragraph, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Raabe et al. [US 2003/0052758] in view of Doma et al. [US 6,184,761].

Regarding claims 1 and 8, Raabe et al. disclose a switching contact arrangement for an electrical power breaker [figure 1] comprising:

- a current conductor [figure 1] carrying a stationary contact member [317]; and
- a contact lever [313] carrying a movable contact member [315] arranged on a contact carrier [331] which is pivotable about a pivot bearing [325] to close and open the switching contact arrangement wherein the current conductor and the contact lever lie opposite one another when the switching contact arrangement is closed so as to form a current loop which generates a torque acting on the contact lever [paragraphs 3 & 10].

Raabe et al. disclose everything claimed except the specific shapes of the current conductor and contact lever.

Doma et al. disclose a switching contact arrangement [figure 4] for an electrical power breaker having a movable conductor arm [60] cooperating with a relatively concentrically mounted stationary contact arm [66].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the contact arm arrangement/design of Doma et al. for the contact arms of Gadre et al. in order to reduce nuisance tripping.

Regarding claims 2 and 9, Raabe et al. discloses the contacts being arranged to blow open in an overcurrent condition [paragraph 3].

Regarding claims 4-5 and 11, Raabe et al. discloses the contact assembly including receptacles for maintaining two contact positions [paragraph 26].

Regarding claims 7 and 13, Raabe et al. discloses a drive apparatus [304] adapted to operate the contact carrier [paragraph 20].

Claims 3, 6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raabe et al., as modified, as applied to claim 1 above, and further in view of Becker et al. [US 4,849,590].

Raabe et al. disclose everything claimed except the contact arrangement being such that the torque generated by the current through the current conductor and contact lever causes the contact members to close.

Becker et al. discloses a contact arrangement arranged such that the torque generated by the current through the current conductor and contact lever causes the contact members to close [figure 7, column 6, line 65-column 7, line 12].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the conductor arrangement of Becker et al. with the arrangement of Raabe et al., as modified, in order to maintain contact pressure during normal operating conditions.

Regarding claims 6 and 12, Raabe et al. discloses the contact assembly including receptacles for maintaining two contact positions [paragraph 26].

Conclusion

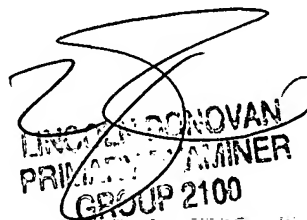
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Enad Elvin can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ldd


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PRIMARY EXAMINER
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